



IPW

Patent
Attorney's Docket No. 009682-130

UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of)	MAIL STOP AMENDMENT
Hideyuki IKOMA et al.)	
Application No.: 10/786,603)	Group Art Unit: 1755
Filed: February 26, 2004)	Examiner: V. Faison
For: WATER BASED INK)	Confirmation No.: 2825
COMPOSITION FOR WRITING)	
INSTRUMENT)	

RESPONSE TO OFFICIAL ACTION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In the Official Action dated July 12, 2005, the Examiner withdrew from consideration claims 25-30 which were presented in the Amendment dated April 12, 2005. Claims 25-30 all relate to a ballpoint pen using a defined water-based ink composition. The Examiner took the position that original claims 1-24 were directed to an ink composition which claims had already received an Action on the merits. Therefore, a constructive election had been made and the presentation of the new claims directed to a ballpoint pen was not fully responsive to the Action.

Applicants respectfully submit that the Examiner is in error. While it is true that certain of the original claims were directed to a water-based ink composition, other claims were directed to writing instruments including a ballpoint pen using the water-based ink composition. In particular, dependent claims 4 and 10-14 all related to a ballpoint pen using the water-based ink composition of a prior claim. Claims 25-30 simply direct the presently claimed subject matter to the one of the aspects of the

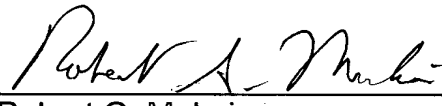
invention that was included in the prior group of claims. Accordingly, the present application does not present a situation encompassed by MPEP §821.03 or 37 C.F.R. §1.145 cited therein and claims 25-30 should properly be examined.

Based on the foregoing discussion, applicants request examination on the merits of claims 25-30 and favorable consideration thereof in view of the reasons presented in the Amendment dated April 12, 2005.

Should the Examiner have any questions concerning the subject application, the Examiner is invited to contact the undersigned attorney at the number provided below.

Respectfully submitted,

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